

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

DWAYNE BARRETT,

Defendant.

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 8-8-12

No. 12 Cr. 45 (RJS)
ORDER

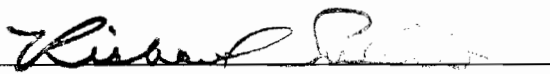
RICHARD J. SULLIVAN, District Judge:

On August 8, 2012, the Court received in chambers the attached submission from Defendant. In his submission, Defendant appears to challenge the jurisdiction of the Court by repeatedly citing to the Uniform Commercial Code (“UCC”), which, as the Court has explained to Defendant previously, has no bearing on the instant matter. As such, to the extent that Plaintiff challenges the Court’s jurisdiction based upon the UCC, that challenge is DENIED. The Clerk of the Court is respectfully directed to docket Defendant’s attached submission.

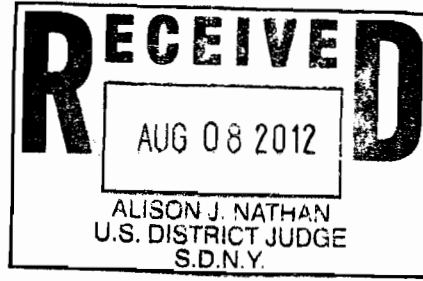
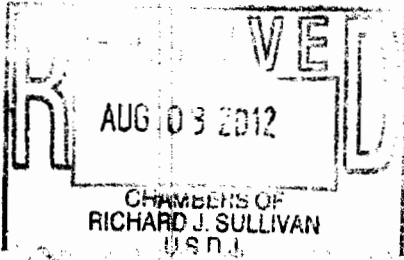
Defendant is again directed to communicate with the Court through his counsel and advised that his submissions directly to the Court – and not through his appointed counsel – are not protected by the attorney-client privilege.¹ Should the Court receive future submissions directly from Defendant, it will forward those submissions unopened to Defendant’s counsel.

SO ORDERED.

Dated: August 8, 2012
New York, New York


RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE

¹ In his submissions, Defendant Barrett repeatedly requests that the Court return a stamped copy of his letter; however, the Court is under no obligation to return such a copy, particularly given that the Court has docketed each of his submissions and/or addressed them directly in open Court.



8-5-2012

To whom it may concern enclosed is my challenge of Jurisdiction one original one copy I am requesting for the copy to be stamped with a filed date and the copy be sent back to me. I've sent paper work before and still I have not received my copy stamped with a filed date. please stamp the copy with a ~~filed~~ filed date and send it back to me. Thank you for your time and attention.

"Without Prejudice" UCC 1-308
Dwayne Barrett

From: Dwayne Babbett

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Domicile MCC

Date: 8-5-2012

City: New York

Docket no: 12 CR 45 (RJS)

United States District Court
Southern District of New York

PRORIA PERSONA

special Appearance de bene esse / non grant
executory in personam and Abatement per Rule 12(b)

RE: Personam express representation estopple to agency
Summons / Presentment Acts 22:25

Attention agent: Notice: UGG 1-201.26 "Color of Law"
42 U.S.C.A. 1983

Now Comes Dwayne Babbett, presenting himself
in Special Propria Persona and not General in personam to
Challenge presumption of Federal Procedural due process
"action" of Tribunal in situs of Maritime / Admiralty
jurisdiction. My writing of "Without Prejudice" is "Material
Alteration and Evidence" at UGG 3-407.1.

I Dwayne Babbett "hereby declare" my representation
as notice at "entitlement to all Privileges and Immunities
of the several states" at Article I section 2 Clause I of
the Constitution of the United States. Article III Judiciary
and the Supreme Court has original jurisdiction of this case.

(AGENCY NOTICE) Bill of Rights is hereby reserved upon
the AGENCY record.

Agency Police Power is bound to Article I Statute
at Negotiable Instruments law of UGG 3-104.2.

Activation of Police power is "unconditionally" assented by
"dishonor" of Statute for "reasonable Cause" and agency
may action persons of territorial subject matter
jurisdiction only at Article II

"A United States District Court is purely a creature of legislative branch of government generally provided for by Constitution' but not a constitution court in a stricter sense and its jurisdiction comes from Congress." Cochran v. St. Paul & Tacoma Lumber Co (1947), 73 F. Supp. 288 & 291

I hereby refute, abrogate and void signature ab initio of agency presumptuous or "unconscionable" instruments at UCC 2-302 and any and all powers of attorney, "Without Dishonor."

There are no de jure, certified, creditable, or negotiable instruments within the administrative record which obligate or assent waiver of state citizen "Privilege" and exemption to defacto agency action. The UCC 3-104.1 instrument I "signed" was "conditional" for duress and "color of law" were at elliptical fraud upon the obligatory presentment,

The "doctrine of estoppel by 'concealment and suppression' applies when there has been reduction to practice of invention" or devise. I am not "made liable" to appear or "promise" at UCC 3-104.3 and perjury is vitiated.

I am not knowledgeable in the law and I am without competent counsel. I deny Miranda attorney for it cannot represent me Propria Persona and is admission to the jurisdiction of Territorial Statutory Maritime / Admiralty jurisdiction' tacit notwithstanding.

Speaking Demurrer declares Rule 12(b) dismissal and Amendment III "Probable Cause, supported by oath of affirmation" for warrant of my Personam to be "certified" upon the administrative record. There is no creditable witness "without color" and no victim of common law certified on the record. UCC 103.6 requires the

- 3 -

Statute be read in harmony with the Common Law"
as does the Article III Power within UGG-103.6

I Dwayne Barrett further "Confess and void 'out of court'
to any person, official or otherwise' that there is a
reasonable inference to the contrary," that probable
Cause is express and substantial upon the
Administrative Record.

Administrative agent has (60) days to rebut and
estoppels of agency is in effect, Pursuant to Fed. R.
Civ. P. 12 (a) (2) or (3)

Please be specific in your lawful "cause of action
and include only substantive Claim of agent,

All Rights Reserved Gentle Citizen w/o Prejudice UGG-1-308 1-207
Respectfully Submitted by: Dwayne Barrett

Date: 8-5-2012

AFFIDAVIT OF TRUTH OF FACTS

Dwayne BARRETT, living breathing man does affirm and has scribe and read the foregoing facts, and in accordance with first hand knowledge and conviction such are true correct, complete and not misleading, the truth the whole truth, and nothing but the truth.

Wherefore ALL Have Undeniable Knowledge

"Without Prejudice" UCC 1-308 / 1-207
Dwayne Barrett

THIS AFFIDAVIT DATE: 8-5-2012

From: Dwayne BARRETT

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Domicile: MCC

Date: 8-5-2012

City: New York

Docket no: 12 CR 45 (RJS), United States District Court
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